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# **City of High Point**

## **Personnel Resolution**

*Revised October 1, 2010*

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# **HUMAN RESOURCES POLICIES & RULES**

## **1.0 ORGANIZATION OF THE HUMAN RESOURCES SYSTEM**

### **1.1 Resolution Purpose Statement**

This resolution and the human resources policies and rules herein are not intended to constitute an expressed or implied contract between the City and the employee.

This resolution establishes a centralized human resources system and processes under the direction of the City Manager. This resolution shall govern all human resources policies, rules, administrative actions, activities and transactions consistent with the following standards:

- (a) Employment shall be based on merit without regard to race, sex, color, national origin, religion, age, political affiliation, or physical or mental disability.
- (b) Qualified persons with a disability, persons who have a known association with a disabled person, or persons who aid or encourage others to exercise any right granted or protected under the Americans with Disabilities Act may not be discriminated against in regard to employment terms, conditions, or privileges.
- (c) Conditions of employment shall support organizational values, excellent customer service, performance competency and continued learning.
- (d) Competitive compensation and benefit plans shall be established and revised to meet changing conditions.
- (e) Appointments and promotions shall be made on the basis of merit, fitness, demonstrated performance and other evidence of performance competence.
- (f) Tenure of employment shall be subject to satisfactory performance of work, personal conduct compatible with the trust inherent in public service, necessity for the performance of work, and availability of funds.

### **1.2 Responsibility of the City Council**

The City Council shall make and confirm appointments required by law. The City Council shall approve new and eliminated positions.

### **1.3 Responsibility of City Manager**

The City Manager shall approve human resources policies and rules governing the City departments. Policies and rules shall be binding on all city employees; provided, that no such policy or rule shall be contrary to any provision of the City Charter, other laws, or other ordinances or resolutions of the City Council.

The City Manager shall be responsible for the administration of human resources policies and rules that apply to all employees except those specifically exempt.

#### **1.4 Responsibility of Director of Human Resources**

Under the direction of the City Manager, the Director of Human Resources shall apply, interpret, and carry out the provisions of this resolution, assist the City Manager in the application and interpretation of human resources policies and rules; and monitor the effectiveness of human resources policies and rules and report findings and recommendations to the City Manager.

#### **1.5 Employees Subject to Resolution**

This resolution shall be applicable to all employees except as provided herein:

- (a) Elected officials shall be exempt from this resolution except applicable political activity and code of ethics provisions.
- (b) Employees appointed by City Council shall be exempt only from provisions governing appointments and dismissals.

### **2.0 POSITION CLASSIFICATION PLAN**

#### **2.1 Allocation of Positions**

The City Manager shall be the approving authority for the City of High Point classification and salary plan developed by the Human Resources Department. The Director of Human Resources shall allocate each class title to the appropriate class code in the position classification plan.

#### **2.2 Administration**

The Human Resources Department shall administer and maintain the position classification plan.

- (a) Department Directors shall be responsible for bringing to the attention of the Director of Human Resources the need for additional or fewer positions and significant changes in the nature of duties, responsibilities, or working conditions affecting a position.
- (b) The City Manager shall approve assigning the new position to an existing class title or amending the position classification plan to establish a new class title.
- (c) The Human Resources Department shall establish a schedule to audit one third of the class titles in the position classification plan each year.
- (d) When the Human Resources Department determines that a substantial change has occurred in the nature of duties, responsibilities, or working conditions of an existing class title, the existing job description shall be revised.

#### **2.3 Amendment of the Position Classification Plan**

The City Manager may approve amendments recommended by the Director of Human Resources to the position classification plan that change the assigned salary range of

the existing class title, reassign the position to the appropriate class title within the existing position classification plan, or establish a new class title.

### **3.0 SALARY PLAN**

#### **3.1 Schedule of Salary Ranges**

The most recently adopted "Schedule of Salary Ranges" shall be the salary plan for the City. Each salary range consists of a minimum, midpoint and maximum rate of pay.

The Human Resources Department shall administer and maintain the salary plan schedule of salary ranges. Each year the Human Resources Department shall review the salary plans of comparable governmental and private employers in the local and regional labor market. The City Manager may authorize annual salary plan adjustments.

#### **3.2 Transition to a New Schedule of Salary Ranges**

No employee shall receive a pay reduction as a result of the implementation of a new salary plan.

Full-time and part-time employees with a pay rate lower than the new minimum of their assigned salary range shall receive a salary increase to the new salary range minimum.

Full-time and part-time employees with a pay rate above the new minimum of their assigned salary but below the new midpoint shall remain at their present pay rate.

Full-time and part-time employees with a pay rate at or above the midpoint of their assigned salary range, who as a result of the annual salary plan adjustment are now below the new midpoint shall receive a salary increase to the new midpoint.

Full-time and part-time employees with a pay rate above the new midpoint shall remain at their present pay rate.

Full-time and part-time employees in a trainee status shall receive a salary increase equivalent to the salary plan adjustment authorized by the City Manager.

#### **3.3 Appointment of Trainee**

A new hire or promoted employee that does not meet all the established requirements of the position may be placed in a trainee status with the approval of the Director of Human Resources. An employee shall not remain in a trainee status for more than one year.

An employee in a trainee status shall be paid at a pay rate of not more than ten percent below the minimum salary. The employee shall continue in a trainee status until the appointing Department Director, with the approval of the Director of Human Resources, determines that the trainee is qualified to assume the full responsibilities of the position. If qualified, the employee's pay shall be increased to the minimum of the salary range.



### **3.4 Hiring Rate / Starting Salary**

Full-time and part-time employees, other than trainees, shall be employed at the minimum of the position classification's assigned salary range. Appointments above the position classification's assigned salary range minimum require the approval of the Director of Human Resources.

### **3.5 Probationary Salary Increases**

A full-time new hire may be eligible for probationary salary increases during the one-year probationary period. A performance evaluation is required after completion of three months, six months and twelve months of service.

### **3.6 Anniversary Date**

The performance evaluation anniversary date of an employee hired prior to July 1, 1992 shall be the date appointed to a full-time position or the most recent promotion date after the appointment to a full-time position prior to July 1, 1992. The performance evaluation anniversary date of any employee hired on or after July 1, 1992, shall be the date appointed to a full-time position.

### **3.7 Pay Adjustments & Bonuses**

The City Manager may approve individual or group administrative salary adjustments or bonuses for meritorious service, cost saving and efficiency suggestions or meeting departmental cost saving and efficiency goals.

### **3.8 Performance Salary Increases**

The City Manager shall recommend pay for performance increase percentage amounts in the proposed annual budget to City Council.

Full-time and part-time employees may be eligible for a performance salary increase. An employee's overall performance rating shall determine the amount of the job performance salary increase. Full-time and part-time employees at the maximum salary of their position class title's assigned salary range may be eligible for a performance salary increase with the approval of the City Manager.

### **3.9 Position Classification Salary Increases**

Full-time and part-time employees will receive an increase to the minimum of the new salary range when the current position class title is assigned to a higher salary range or to a new or existing position class title in a higher salary range.

A full-time and part-time employee's salary will remain the same when a position class title is assigned to a lower salary range or to a new or existing position class title in a lower salary range. If a full-time or part-time employee's pay rate after the assignment to a lower salary range is above the new salary range maximum, the employee's salary

will remain at that pay rate until the position's new salary range maximum is greater than the employee's current pay rate.

### **3.10 Equity Salary Increases**

Equity adjustments are one-time salary increases provided to an employee on rare occasions to correct a significant deviation from internal equity and to ensure compliance with fair pay practices. These situations may link to the hiring process or issues with the application of salary administration policies. Salary differences based on performance, promotions or seniority are not considered equity issues.

Department Directors requesting equity adjustments should submit supporting documentation to the Director of Human Resources for review and approval. Normally, equity adjustments are not retroactive and will be effective the pay period following the Director of Human Resources approval. The performance review date will remain the same. Equity adjustments greater than 5% require the approval of both the Director of Human Resources and City Manager.

### **3.11 Retention Salary Increases**

In special circumstances and for positions considered critical to accomplishing the key business objectives of the City, Department Directors may recommend adjusting an employee's salary in response to a bona fide external job offer provided there are no equity issues. Retention adjustments require the recommendation of the Human Resources Director and the approval of the City Manager. The salary will not exceed the maximum of the salary range. This policy will not apply if the employee is transferring within the City.

### **3.12 Promotional Salary Increases**

Full-time and part-time employees promoted to a position class title in a higher salary range shall receive a salary increase of no less than 10% or to the minimum of the new salary range, whichever is higher.

### **3.13 Salary of Transferred Employee**

The salary of a full-time or part-time employee transferred to a position class title with the same salary range assignment shall not be lowered. A transferred employee may receive a pay increase subject to the approval of the Director of Human Resources.

### **3.14 Salary of Demoted Employee**

The salary of a full-time or part-time employee demoted for disciplinary reasons to a position class title in a lower salary range shall be reduced ten percent (10%) if the pay rate is lower than the maximum of the new salary range assignment. If the ten percent reduction results in a pay rate higher than the maximum of the new salary range assignment, the employee's pay shall be reduced to the maximum of the new salary range assignment.

### **3.15 Salary of Reassigned Employee**

The Director of Human Resources shall approve all non-disciplinary reassignments. Full-time or part-time employees reassigned for non-disciplinary reasons to a lower salary range may request a hearing through the City's Grievance Procedure.

If a full-time or part-time employee's pay rate after the reassignment to a lower salary range is above the new salary range maximum, the employee's salary will remain at the current pay rate until the new salary range maximum is greater than the current pay rate.

### **3.16 Interim Pay**

Interim pay adjustments occur when an employee temporarily assumes the duties of a position with a higher salary range and will apply only as long as the employee continues to assume the duties of the other position. Compensation guidelines described in the section on promotional increases will apply. Prior approval from the Human Resources Director is required before implementing an interim pay arrangement. Increases are limited to six (6) months unless prior written approval is obtained from the Human Resources Director.

Performance appraisals occurring while an employee is receiving interim pay will be conducted on schedule.

### **3.17 Temporary / Seasonal Part-Time Employees Hiring Rate**

The Director of Human Resources and the Department Director shall establish the hiring rate for temporary / seasonal part – time employees.

### **3.18 Effective Date of Salary Changes**

A job performance salary increase with a performance evaluation anniversary date on a Sunday shall be effective on that Sunday. All other performance evaluation anniversary dates that fall on any day other than Sunday shall be effective on the Sunday following the performance evaluation anniversary date. All other salary changes shall be effective on the recommended Sunday.

### **3.19 Payroll Periods**

Employees will receive a direct deposit pay stub on a bi – weekly schedule every other Friday. Each pay period covers a two - week period from Saturday midnight to Saturday midnight. Pay will be received on the following Friday after each pay period ends. Should a regular payday fall on a holiday, pay will be received on the workday preceding the holiday.

### **3.20 Payroll Deductions**

Federal and state income taxes, Social Security/Medicare tax, retirement contributions and court ordered garnishments are deducted as authorized by law. Additional deductions, benefits, or salary reductions may be allowed at the option of the

employee. The City will make every effort to ensure that compensation and paychecks are properly computed and calculated. Employees should report improper deductions to the Director of Human Resources. **(Reference resolution appendix.)**

### 3.21 Overtime

The City abides by all applicable sections of the Fair Labor Standards Act and the Fair Labor Standards Amendments of 1986. The City will properly record all applicable overtime accrued for each covered employee. This overtime policy is applicable only to employees classified as non-exempt under the Fair Labor Standards Act.

- (a) Non - exempt employees shall not be granted compensatory leave in lieu of overtime pay.
- (b) Employees are expected to work during all assigned periods exclusive of breaks or mealtimes. Employees are not to perform work during breaks, meal times or at any time that they are not scheduled to work, unless they receive approval from their immediate supervisor, except in cases of emergency. An emergency exists if a condition arises that could reasonably result in damage to property or persons or which requires immediate attention of the employee. Employees that work excess hours due to an emergency shall advise their immediate supervisor of the overtime worked as soon as practical following completion of the work.
- (c) Exempt employees may be granted compensatory time for hours worked in excess of their normal work period. **(Reference resolution appendix.)**

### 3.22 Dual Employment

When employees, solely at their option, work occasionally or sporadically on a part-time basis for another city department in a different capacity from their regular employment, the hours worked in the different job shall not be combined for the purpose of determining overtime liability. Such hours worked are excluded from computing overtime only where the assignments are not within the same occupational category as the employee's regular work.

The employee's primary department will make all payments for hours worked in another department. Normal withholdings apply.

### 3.23 Travel Time

Travel time may be compensable time depending on the kind of travel involved. Normally, the City will not be responsible for time spent by non-exempt employees in walking, riding, or otherwise traveling to their principal job related activity.

Home to work travel or vice versa is not compensable, even if employees must travel from a town to an outlying site to get to the job or even if the City is providing transportation. Employees are not at work until they reach the work site and their work period begins. If employees are required to report at a special time to a meeting place where they are to pick up materials, other employees, or to receive instructions, compensable time starts at the time of the meeting or their arrival.

Traveling from one job site to another during the workday is compensable work. Also, traveling from an outlying job at the end of the scheduled workday back to a central point is compensable.

Travel that keeps an employee away from home overnight is travel away from home. Travel away from home is clearly work time when it occurs during the employee's workday. The employee is simply substituting travel for other duties. The travel time is not only hours worked on regular working days during normal working hours but also during the corresponding hours on non-working days. Time spent in travel away from home outside of regular working hours as a passenger on an airplane, train, boat, bus, or automobile is not considered work time. Non-exempt employees who are driving are considered working all the time they are driving. Any actual work performed by non-exempt employees while traveling is considered compensable.

### **3.24 On – Call**

The nature of operating the City is such that employees may be subject to being called back to their work area in unusual situations after having completed their normal work schedule. In some cases, call back requirements are of sufficient volume and frequency to justify scheduling and designating employees in advance to accept this responsibility for a given period of time. In such cases, a bona fide on-call status may exist. To be eligible for on-call pay, Department Directors must have written approval from the Director of Human Resources before commitments can be made for on-call pay.

Employees required by the Department Director to be available for possible return to work outside their normal working hours may be eligible for on-call pay. The administrative guidelines to obtain approval for on-call pay are as follows:

- (a) On-call situations must reflect services that have to be provided on-the-spot within a limited number of minutes and must be a service that cannot wait.
- (b) On-call will be the exception rather than the routine situation. Departments will be required to find alternative schedule options and other techniques within management's discretion for covering the more routine types of situations that occur. On-call status will not become a mechanism that encourages over dependence on off-duty supervisors/managers.

### **3.25 Restricted On – Call**

Restricted on-call exists when employees are restricted to the work unit or a specific location without freedom to pursue normal activities. This means that employees are engaged to wait and will be counted as regular hours worked. All hours worked will be included to determine the eligibility of overtime for hourly employees. Restricted on – call must be approved by the City Manager.

### **3.26 Non - Restricted On – Call**

Non-restricted on-call will be construed to mean the employees are only waiting to be engaged and will not be counted as hours worked. Non-restricted on-call exists when the following conditions are met:

- (a) Employees are restricted only to the vicinity of Guilford and contiguous counties.
- (b) Employees during non-work on-call hours are free to engage in their own personal pursuits.
- (c) Employees are given beepers as a means to communicate with their department or must leave a telephone number at which they may be contacted.

### **3.27 On – Call Pay**

Exempt employees assigned to non – restricted on – call status may be eligible for on – call pay subject to the approval of the Director of Human Resources.

A minimum of six (6) hours pay is guaranteed for exempt and nonexempt employees assigned to non - restricted on – call status. Nonexempt employees assigned to non – restricted on – call status will be paid at the established hourly rate of pay for hours worked outside their normal schedule if they are actually required to return to work and will receive overtime for eligible overtime hours.

### **3.28 Voluntary Work**

Bona fide volunteers who work outside the organization may do so without any obligation of the City to provide wages. Non-exempt employees are requested to indicate in writing outside volunteer services that are similar to work performed for the City. Outside volunteer work becomes compensable when employees are required or requested by their supervisors/managers to perform services in a capacity for which the City employs them. The City encourages the participation of employees as community volunteers.

### **3.29 Daylight Savings Time**

Nonexempt employees required to work when daylight savings time begins or ends will be paid for the hours actually worked.

### **3.30 Longevity Pay**

Full-time employees hired prior to July 1, 1982 shall receive a pro rated longevity payment each pay period that total to their June 30, 1992 annual longevity dollar amount.

## **4.0 RECRUITMENT AND SELECTION**

### **4.1 Position Vacancy Announcements**

Position vacancy announcements shall be posted for a minimum of five (5) working days and shall include but not necessarily be limited to the class title, city department, the closing date of the announcement, a summary of the position qualification requirements and duties, the application procedures and equal employment opportunity statement.

The City has four posting options to use when filling vacant positions:

(a) In-house Posting (Departmental)

This option should be used first if departments are able to identify candidates from their current staff. The announcement of the position should be posted for one week in a conspicuous place. All candidates must meet the minimum qualifications for the position as established by the Department of Human Resources. The department will interview the certified list of candidates provided by the Human Resources Department. Once the interview is completed and references are checked, the department will complete the conditional offer of employment.

(b) Internal Posting

This option has been established to provide City employees the first opportunity to apply for vacant positions. This option allows departments to consider anyone who is interested in City positions. The announcement of the position should be posted for one week in a conspicuous place. City employees applying for a position, within or outside their current department, who meet minimum qualifications, must be given serious consideration. The department will interview the certified list of candidates provided by the Human Resources Department. Once the interview is completed and references are checked, the department will complete the conditional offer of employment.

(c) External Posting

This option allows departments to consider anyone who is interested in City positions. The announcement of the position should be posted for a minimum of two weeks in a conspicuous place. All candidates must meet the minimum qualifications for the position as established by the Department of Human Resources. City employees applying for a position, within or outside their current department, who meet minimum qualifications, must be given serious consideration. The department will interview the certified list of candidates provided by the Human Resources Department. Once the interview is completed and references are checked, the department will complete the conditional offer of employment.

(d) Open Pools

This option allows departments to establish an applicant pool approved by the Director of Human Resources and maintained by the Department of Human Resources. All candidates must meet the minimum qualifications for the position as established by the Department of Human Resources before assignment to the pool and are subject to removal based upon established time limits. Once an interview is completed and a candidate's references are checked, the department will complete the conditional offer of employment.

## **4.2 Tracking Applicants**

The Human Resources Department shall be responsible for maintenance of permanent records of all position vacancy announcements, including the posting and closing date(s), all recruitment referral sources and the certified list or current eligible pool of applicants for the position vacancy. The Human Resources Department shall keep eligible lists of applicants for a period of two (2) years. The City screening process may include but not necessarily be limited to testing, qualifications analysis, oral interviews, previous employment history, character references, work eligibility status, motor vehicle traffic records and criminal history conviction data where applicable.

Applicant data maintained for each position vacancy shall include an alphabetized listing of all applicants, including the Social Security number, and test score, when applicable. The Human Resources Department shall report EEO-4 data on the race and sex of applicants including applicants for appointment or promotion to a sworn position in the Police Department to the US Equal Employment Opportunity Commission (EEOC).

## **4.3 Application for Employment**

An official City application form shall be made available to all applicants for all position listings. A city department may accept no applications; all applicant referrals must be directed to the City of High Point Human Resources Department.

## **4.4 Responsibility of Police Department**

The Police Department administrative division shall be responsible for position vacancy announcements, distribution and acceptance of an official City of High Point application form, applicant tracking of applicants for appointment or promotion to a sworn position in the Police Department and reporting EEO-4 data to the Human Resources Department.

## **4.5 Qualification Standards**

All applicants considered for employment or promotion shall meet the essential qualification standards established by the class title specifications for the position to which the appointment is being made. Applicants knowingly make any material false statement concerning their application for appointment or promotion to a position in City employment shall forfeit their right to be considered for or occupy the position.

## **4.6 Equal Employment Opportunities (EEO)**

The City will do the following in its efforts to provide equal employment opportunities:

- (a) Each year the City will conduct a statistical study of its employees to determine the extent to which population groups may be underutilized in any established job categories and will identify and eliminate any employment practices that may contribute to such underutilization.



- (b) The City will work toward obtaining and maintaining applications from qualified minorities and women and will use affirmative recruitment efforts and other lawful measures to attempt to reduce any underutilization of those groups that may exist in any established job category.
- (c) The City will ensure that all employees work in an environment free from racial or sexual harassment or harassment directed at the disabled.
- (d) The City will ensure that no retaliatory action is taken or administered against any employee for opposing employment practices which are prohibited by federal or North Carolina law or by the City's human resources policies and procedures.
- (e) The City will develop and use organizational structures and monitoring systems as necessary to implement this Equal Employment Opportunity (EEO) policy.
- (f) The City will undertake to comply fully with all expressed or implied obligations contained in federal and North Carolina law relating to EEO.
- (g) The City will develop, maintain, and utilize job descriptions outlining the essential functions of each City position. Accommodations for the disabled, where reasonable and required by law, will be considered and implemented for otherwise qualified disabled applicants for employment and employees to enable them to perform essential job functions. Equal employment does not require preferential treatment for the disabled, and qualifications and job-related criteria will provide the basis for all employment actions.

#### **4.7 Affirmative Recruitment**

The City will establish a program to recruit members of an underutilized population group to fill vacancies in any job categories in which members of the group are underutilized in Guilford County.

The City will conduct a program of affirmative recruitment in all positions to avoid the possible discriminatory effects of informal job networks and similar practices including posting job vacancies within a department for internal promotion opportunities.

The City's affirmative recruitment program will include, but is not limited to, the following specific actions:

- (a) Within available resources, development of search strategies for qualified minorities and women for executive level appointments;
- (b) All vacancies for positions in the City will be openly posted in places that are prominently visible to all employees in all departments, divisions, and satellite offices, etc. The posting period will allow sufficient time for interested personnel to apply; but will be no less than one week. Certain limited exceptions to posting may be approved by the Director of Human Resources in instances involving reorganizations, reductions-in-force, or reassignments necessitated by return to work by employees on leave without pay (LWOP).
- (c) Affirmative action recruitment efforts will include public announcements in such media as help wanted columns of area newspapers, professional journals, and publications that specifically serve minorities and women. Public service time

on television and radio may be used to inform a greater number of potential minority and women applicants of employment opportunities with the City, and to encourage dissemination to sensory-impaired individuals. In addition, copies of vacancy announcements will be provided to agencies specializing in recruitment of minority and women applicants, as feasible.

- (d) Colleges and universities whose enrollments are predominately minorities or women will be included in the recruitment process for all positions in which minorities and women have been underutilized and for which college or university recruitment is a normal procedure.
- (e) Media will be informed that help-wanted ads cannot be placed in sex-segregated columns. Statement that City is an "Equal Opportunity Employer" will be included in all advertising.

#### **4.8 Reference Checks by Human Resources Department**

The Human Resources Department may conduct a motor vehicle traffic offense, criminal history conviction and/or credit history background check on all final applicants being considered for positions that require an acceptable credit history and an acceptable motor vehicle and criminal conviction record.

#### **4.9 Reference Checks by Hiring Department**

References are checked to verify information provided on the application or during the employment interview. The hiring department is required to do a reference check on the applicant it considers the top candidate.

Any reference check or education credentials verifications, whether by telephone or letter should be maintained by the hiring department for two (2) years and marked confidential.

The hiring department will verify the educational credentials of all final applicants being considered for positions that require an undergraduate or graduate degree. Employees applying for promotions, which require an undergraduate or graduate degree, will have previously unverified credentials confirmed. Departments may continue to request transcripts, as appropriate, to verify course work. Educational verification will occur prior to the conditional offer of employment.

When material falsification of credentials is discovered, the applicant will not be hired for that position and may be disqualified from further consideration for City employment. The hiring department will notify both the applicant and the Department of Human Resources that the credentials could not be verified. Any current employee who falsifies credentials will be subject to disciplinary action.

For those positions requiring a special license, certificate, or registration, the hiring department is responsible for verifying those credentials. Copies of appropriate documentation should be sent to the Human Resources Department.

#### **4.10 Internal Reference Checks**

An internal reference check procedure is established to enhance the hiring of current City employees across divisional/departmental lines. This procedure gives the hiring department access to the candidate's employment history with the City of High Point. The hiring department must have the final applicant's authorization in writing to release information. Applicants will not be considered without written consent to release information.

#### **4.11 Selection**

Department Directors shall develop, use, and document a legal interview selection process in filling departmental position vacancies. All selection methods developed and utilized by the Department Director shall be valid measures of job performance and reviewed and approved by the Director of Human Resources.

#### **4.12 Appointments**

Appointments to City employment shall be made on the basis of merit and fitness demonstrated by examination and/or other evidence of competence without regard to race, sex, color, national origin, religion, age, political affiliation, or physical or mental disability.

- (a) Qualified persons with a disability or persons who have a known association with a disabled person shall be given equal consideration with other applicants for positions in which their known physical and mental limitations may be reasonably accommodated and would not impose an undue hardship on City operations. Persons with disabilities and persons who are unable to read may utilize the services of an interpreter or reader.
- (b) The Director of Human Resources shall be responsible for assisting city departments in recruiting and selecting such employees to fill positions authorized in the City of High Point budget ordinance or by the City Manager. The Human Resources Department shall conduct preliminary screening processes and shall refer those applicants most qualified for the position to the appointing department. No commitment shall be made by the Human Resources Department or appointing department to an applicant or employee until such time all available interested individuals have had a reasonable opportunity to be considered for the position. After a conditional job offer, all applicants shall receive a post – employment medical exam. The City cannot refuse to hire disabled individuals based on the results of a medical exam, unless the reason is job related and their known physical and mental limitations cannot be reasonably accommodated and/or would impose an undue hardship on City operations.
- (c) Assistant City Managers and Department Directors shall be appointed by the City Manager. The City Manager and the City Clerk shall be appointed by the City Council. Department Directors shall be the appointing / hiring authority for departmental positions.

#### **4.13 Relocation and Moving Expense Reimbursement**

To enhance recruitment of key positions, the City may reimburse applicants and new hires for travel, lodging and moving expenses deductible under IRS regulations. Department Directors will be responsible for preauthorizing reimbursements on a case-by-case basis and identifying the source of funds. Authorized expenses must be actual and reasonable and will be reimbursed to the applicant or new hire rather than paid to a third party. The applicant or new hire being reimbursed must provide itemized expenses and receipts.

##### **(a) Applicant Travel and Lodging**

Department Directors may reimburse preauthorized travel expenses to out-of-area job applicants for costs related to interviews when such reimbursements are considered essential to successful recruitment of key positions. These expenses are subject to the following restrictions:

- (1) Travel expenses include the cost of transportation and lodging and are limited to round trips in excess of 100 miles. Meals are excluded.
- (2) Transportation reimbursements using personal automobiles will be calculated at the current City of High Point mileage reimbursement rate.
- (3) Commercial transportation will be reimbursed at actual cost with airfares limited to coach rate.

##### **(b) Relocation**

Department Directors may reimburse preauthorized relocation expenses to out-of-area new hires when such reimbursements are considered essential to successful recruitment of key positions. Reimbursements are limited to those expenses eligible for tax preferences under IRS regulations. In general, those expenses are limited to:

- (1) The cost of moving household goods including packing, transporting and unpacking
- (2) The cost of travel and lodging from the former residence to the new residence, not including meals.

Examples of expenses not eligible for reimbursement include house hunting trips, temporary living expenses, home sales assistance, home purchase assistance and meals.

The City Manager or Director of Human Resources may approve reimbursements for additional relocation and travel expenses for Department Directors and Assistant City Managers.

#### **4.14 Orientation**

New Employee Orientation is held every month and is facilitated by the Department of Human Resources. The purpose of New Employee Orientation is to ensure that all

employees have the opportunity to gain a better understanding of City benefits, policies, and procedures.

Attendance is mandatory for all new full-time and part-time employees eligible for insurance and/or retirement benefits. Refusal or failure to attend shall be cause for the extension of the probationary period or termination of employment.

#### **4.15 Probationary Period**

Full-time employees shall serve a probationary period of one (1) year. The appointing Department Director, with the approval of the Director of Human Resources, may dismiss a full-time probationary employee in the Director's department for any reason during the probationary period.

Job performance appraisals shall be completed on all probationary employees at the end of three (3) months, six (6) months, and one (1) year of service. The appointing Department Director shall indicate on each job performance appraisal:

- (a) That the employee's accomplishments, failures, strengths and weaknesses have been discussed with the employee;
- (b) Whether or not the employee is performing satisfactory work; and
- (c) Whether or not the employee should be retained in the position.

#### **4.16 Extension of Probationary Period**

The appointing Department Director may, with the approval of the Director of Human Resources, extend an employee's original probationary period for a period of time not to exceed 90 days.

#### **4.17 Promotions**

Promotions in City employment shall be made on the basis of merit, experience, conduct, seniority and/or other evidence of competence without regard to race, sex, color, national origin, religion, age, political affiliation, or physical or mental disability. Based on the results of the promotional screening process, the Human Resources Department shall certify to the appointing department the names of those applicants most qualified for the position. The Department Director shall make promotional appointments.

#### **4.18 Reinstatement / Reemployment**

Employees who previously worked for the City with a re-hire recommendation shall be given priority consideration for employment. If reinstatement occurs within 30 calendar days from the date of separation and the employee returns to their former job or a comparable position, the employee may be returned to their former status without any changes to salary or benefit accrual. The performance evaluation anniversary date will be adjusted based on the length of time the employee is off the payroll.

## **5.0 CONDITIONS OF EMPLOYMENT**

### **5.1 Employment / Supervision of Relatives**

Immediate family is defined as spouse, child, mother, father, sister, brother, legally appointed guardian, grandparent, grandchild, plus the various combinations of half, step, in-law and adopted relationships.

The employment of relatives in the same department shall require the authorization of the City Manager provided that such employment does not result in a relative supervising a relative, auditing the work of a relative, creating a conflict of interest with either relative or the City or creating the potential or perception of favoritism.

The City prohibits hiring any person into a full-time or part-time with benefits position who is an immediate family member of individuals holding the following positions: Mayor, City Council member, City Manager, Assistant City Manager and City Clerk. City employees that are immediate family members of individuals that are elected or appointed to the following positions: Mayor, City Council member, City Manager, Assistant City Manager and City Clerk after the city employee was hired may remain employed by the City of High Point.

### **5.2 Residence Requirements**

The City Manager, City Clerk and Assistant City Managers must reside within the corporate limits. Department Directors must reside within the City of High Point Planning Area as shown on the current officially adopted City Land Use Plan Map.

### **5.3 Employee-Employer Relations**

Productive and harmonious relationships between City employees and management can best be achieved with respect to working conditions if relationships and policies are clearly set forth. The following shall be considered the official policy of the City relating to employee-employer relations:

- (a) The City in accordance with North Carolina State Law does not accept any employee organization as the sole spokesman for any category of employees.
- (b) Employees or employee representatives of employee groups will be afforded the right to present suggestions and make statements on any issue relating to conditions of work to the City Manager.
- (c) Strikes and work stoppages by City employees will not be permitted. Instigation of, participation in, or giving leadership to a strike, slowdown or work stoppage shall constitute grounds for disciplinary action up to and including dismissal.
- (d) Infractions of work rules including unauthorized absences from work shall be grounds for disciplinary action up to and including dismissal.

The City Manager is the spokesman for the City in matters concerning employee-employer relations. The City Manager, or a designee, is hereby empowered to meet and confer with employees.

#### **5.4 Mandatory Direct Deposit**

All full-time and part-time with benefits employees are required to enroll in direct deposit of payroll as a condition of employment or continued employment. **(Reference resolution appendix.)**

#### **5.5 Identification Badge**

City employees will be issued an identification badge and shall display the identification badge while on duty when in city owned or leased facilities/offices. **(Reference resolution appendix.)**

#### **5.6 Workweek**

The standard City workweek for full - time employees shall be forty (40) hours per week. When the activities of a city department require some other schedule to meet work needs, the City Manager may authorize a deviation from the standard City workweek.

#### **5.7 Tardiness**

Non-exempt employees reporting late may have a minimum of one-quarter (  $\frac{1}{4}$  ) hour's pay deducted for any one incident.

#### **5.8 Unexplained Absences**

Absences of two (2) consecutive workdays without approved leave and with failure by the employee to contact their department shall be considered voluntarily termination of employment. Exceptions require the approval of the Department Director and the Director of Human Resources.

#### **5.9 Outside Employment**

The work of the City shall have priority over the other occupational interests of employees. In order to protect the interest of the employee and the City, all outside employment for salary, wages or commissions and all self-employment must be reported in writing by the employee and approved in writing by an employee's Department Director upon employment with the City or before such work is to begin. The Department Director and the Director of Human Resources will determine whether the outside work would create a conflict of interest or otherwise be incompatible with City service. The assumption of outside employment without prior approval by the City may be deemed improper conduct and subject the employee to disciplinary action, up to and including dismissal. **(Reference resolution appendix.)**

#### **5.10 Outside Employment During Family Medical Leave (FMLA)**

Approved outside employment is prohibited during a paid or unpaid family medical leave (FMLA) absence from work. Approved outside employment may be reinstated during periods when intermittent family medical leave (FMLA) absences from work will

occur subject to the approval of the Department Director and the Director of Human Resources.

### **5.11 Outside Employment During Workers' Compensation Leave**

Outside employment will be prohibited for employees removed from work by a City approved physician due to an on the job injury. Outside employment may be prohibited for employees returned to work on a modified duty assignment. Outside employment during a modified duty assignment shall require the approval of the Director of Human Resources.

### **5.12 Political Activity Restricted**

Every employee has a civic responsibility to support good government by every available means and in every appropriate manner. Each employee may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, may advocate and support the principles or policies of civic or political organizations in accordance with the constitution and laws of the State of North Carolina and in accordance with the Constitution and laws of the United States of America. However, no employee shall:

- (a) Engage in any political activity while on duty;
- (b) Be required as a duty of office or employment, or as a condition for employment, promotion or tenure of office, to contribute funds for political or partisan purposes;
- (c) Coerce or compel contributions for political or partisan purposes by any other employee of the governmental unit; or
- (d) Use any supplies or equipment of the governmental unit for political purposes.
- (e) Any City employee who shall become a candidate for nomination or election to any City elective office shall immediately resign from City employment.
- (f) Campaign speeches or other political activities by individuals seeking a City elective office shall not be conducted on the premises of any City property nor shall candidates for a City elective office seek to contact and talk to employees for the purpose of promoting their candidacy while the employees are on duty for the City. The use of facilities designed for public meetings shall be exempted from this subsection.
- (g) Any violation of this section shall be deemed improper conduct and shall subject such employee to dismissal or other disciplinary action.

### **5.13 Workplace Harassment**

The City prohibits workplace harassment as defined in the Workplace Harassment Policy, by supervisors and co-workers. An employee may file a workplace harassment complaint directly with the Director of Human Resources. An employee may file a workplace harassment complaint on a Department Director directly with the City Manager. **(Reference resolution appendix.)**



#### **5.14 Occupational Safety**

The City has a legitimate interest in the welfare and safety of its employees and the public it serves. The City desires to provide the safest possible working conditions for its employees and to provide a safe environment for the public that uses our services. The City's occupational safety program shall be governed by the most current safety policies adopted by the City Council. **(Reference resolution appendix.)**

#### **5.15 Smoking Policy**

The City of High Point has a legitimate interest in maintaining a smoke free environment in City facilities. Smoking will be prohibited in all city buildings except in designated smoking areas. **(Reference resolution appendix.)**

#### **5.16 Substance Abuse**

The City has a legitimate interest in promoting a drug free work environment. The City desires to protect the public by ensuring that its employees are fit to perform their occupations. The City's substance abuse program shall be governed by the most current substance abuse policy adopted by the City Council. **(Reference resolution appendix.)**

#### **5.17 Communicable Disease**

The City has a legitimate interest in maintaining a safe and healthy work environment for employees. Employees with serious communicable diseases will be subject to the provisions of the City 's communicable disease policy. The communicable disease program shall be administered in accordance with the North Carolina Communicable Disease Law (G.S. 130A-143 through 148), and the Americans with Disabilities Act, and shall be governed by the most current communicable disease policy adopted by the City Council. **(Reference resolution appendix.)**

#### **5.18 Weapons Policy**

City employees or volunteers may not possess any firearm or other dangerous weapon while on duty. This includes possession of any firearm or other dangerous weapon while on any City property, in any City-owned vehicle, or in any personal vehicle while performing City duties. It is also prohibited to have a firearm or other dangerous weapon in the personal vehicle of an employee or volunteer parked on City property.

Sworn law enforcement personnel and non-sworn Police Department personnel are exempt from this policy as stipulated in departmental general orders.

Violation of this policy will result in mandatory disciplinary action, up to and including dismissal for the first offense.

### **5.19 Workplace Violence**

The City is committed to the prevention of workplace violence. Acts of violence and threats of bodily harm or property damage directed toward another employee will result in immediate dismissal. Observed or suspected workplace violence must be reported to the Department Director or the Director of Human Resources. **(Reference resolution appendix.)**

### **5.20 Personal Appearance and Uniforms**

All employees must maintain a neat, clean and professional personal appearance. All employees who are required to wear a uniform must be in complete uniform at all times while on duty and must take reasonable steps to maintain a neat and clean uniform.

The City realizes that the style of dress, grooming and hygiene are regarded as personal matters and under ordinary circumstances, matters of choice; however, inappropriate forms of dress, grooming or poor hygiene should be avoided. Therefore, if in the opinion of the supervisor, the employee's appearance is considered to be inappropriate for the business environment, the supervisor has the right to send the employee home to make appropriate changes to their dress, appearance or hygiene.

### **5.21 Personal Cellular Telephone Use**

A personal cellular telephone may be used while on duty in the case of a personal or family emergency and circumstances in which an employee may need to notify an immediate family member that he/she is working past normal working hours and his/her expected arrival time.

City departments may establish a departmental personal cellular telephone use policy subject to the approval of the Director of Human Resources.

### **5.22 City Provided Cellular Telephone Use**

The City will provide cellular telephones to employees for business use when the use of such telephones will increase the level of service provided to the City's customers, increase the level of safety for the City employee, and/or satisfy legal requirements.

A City cellular telephone shall be used for appropriate City business purposes. Such use is defined to be appropriate when an employee must make a call related to furthering City operations, does not have access to a regular City telephone, and the call cannot or should not wait until returning to the office.

A City cellular telephone may be used for circumstances in which an employee must make a personal telephone call, does not have access to another City telephone, and such circumstances are at the city's requirements and/or relates to City business. For example, an employee may need to notify an immediate family member that he/she is working past normal working hours and his/her expected arrival time. Such calls are to be made from a cellular telephone only when a regular City telephone is unavailable and such calls shall be limited to no more than three (3) minutes. Discretion may also

be used for a personal or family emergency. Outgoing/incoming calls are allowable within the policy in such cases; even if not directly related to City business, if the on-duty employee does not have access to another City phone.

Aside from the above exceptions, no personal calls are permitted. The City discourages a non – business disclosure of cellular telephone numbers, as the telephones are the property of the City and not the employee. All incoming calls are discouraged unless the calls relate directly to the employee's City duties and the Department Director specifically authorizes such incoming calls.

The Information Technology Services Department shall monitor cellular telephone use and charges. Any misuse of a City cellular telephone may result in, but is not limited to, one or more of the following actions: requiring a telephone log detailing all calls, blocking all incoming calls, loss of cellular phone, employee reimbursement of telephone charges, disciplinary actions and/or termination of employment.

The City Manager may authorize an employee personal cellular telephone allowance to promote the City's legitimate business purposes, such as efficiency and quality service to customers and clients.

### **5.23 Internet / E – Mail Activity**

Computer systems, telephones, communication radios and facsimile, photocopier and scanner machines are City property. These systems exist to promote the City's legitimate business purposes, such as efficiency, honesty, and quality service to customers and clients.

Employees have no right to privacy with regard to their use of such equipment and the City may monitor all communications and activities involving the use of City property. Communications on the City's systems will not be confidential and communications may be intercepted by the City of High Point. The City has backup systems that can save communications even after they have been deleted.

The Internet / e – mail and telephone systems should be used primarily for business purposes and personal use should be kept to a minimum. The radio communications system and facsimile, photocopier and scanners should be used solely for business purposes.

The City prohibits intentionally accessing and viewing of adult/sexually explicit websites, sending or forwarding adult/sexually explicit materials, sending or forwarding of messages under circumstances likely to insult or embarrass the recipient, containing unwelcome propositions, ethnic or racial slurs, or any other message that can be construed to be harassment or disparagement of others based on their sex, race, age, disability, national origin, religious beliefs, or any other category protected by federal, state, or local laws.

Employees shall not use the City's communications system to send or receive copyrighted material, trade secrets, proprietary information, including financial information, or other similar materials without previous authorization.

The Information Technology Services Department shall monitor the City's communication systems use. Any misuse of Internet / e – mail, telephones, radio communications, facsimile, photocopier and scanner communication systems may result in, but is not

limited to, one or more of the following actions: loss of system privileges, employee reimbursement of personal use expense to the City, disciplinary actions and/or termination of employment. **(Reference resolution appendix.)**

#### **5.24 City Equipment, Tools, Materials and Supplies**

Equipment, tools, materials and supplies are City property and shall not be used except in the conduct of official city business. Equipment provided by the City shall remain the property of the City of High Point and shall be utilized only in the conduct of official city business. Equipment and tools purchased by a city employee with the approval of the Department Director shall be considered the personal property of the employee. The maintenance and upkeep of personal property shall be the responsibility of the employee. The City shall have no liability related to personal property damage or loss unless the City requires the employee to purchase and possess the equipment.

#### **5.25 City Vehicles**

City vehicles are to be used exclusively for City business. No individual may use a City vehicle for personal or family business or pleasure. No individual shall operate or ride as a passenger in a City vehicle except as is required for the conduct of official city business. Violation of this policy will result in mandatory disciplinary action, up to and including dismissal for the first offense.

#### **5.26 Rest Periods**

Department Directors may establish a rest period policy. City business will always take precedence over a department rest period policy. A department may provide two rest periods each work day that are limited to fifteen minutes within the building or at the work site.

#### **5.27 Solicitations**

Unless express permission from the City Manager or designee is granted, no employee shall solicit pledges or contributions or promote sales of products during working hours. Items for sale or trade may be placed on the City intranet site and designated bulletin boards with instructions to contact after working hours

### **6.0 HOLIDAYS AND LEAVE**

#### **6.1 Paid Holidays**

City of High Point departments shall observe the following holidays:

- New Year's Day;
- Martin Luther King, Jr. Day;
- Good Friday;
- Memorial Day

Independence Day;  
 Labor Day;  
 Thanksgiving Day;  
 Day after Thanksgiving; and  
 Christmas (2 days).

- (a) Any holiday, other than Christmas, that falls on Saturday or Sunday, shall be observed on the preceding Friday or the following Monday, as determined by the City Manager.
- (b) Exempt and non – exempt employees required to work on an observed holiday shall receive compensation for all hours worked on the holiday in addition to holiday pay for their scheduled shift on the holiday. Holiday pay may be paid on a later date for their scheduled shift in the same calendar year subject to the approval of the employee's supervisor.
- (c) Police, Fire, and 911 - communications shall issue general orders that establish a departmental paid holiday policy subject to the approval of the Director of Human Resources and the City Manager.

## **6.2 Holiday Pay**

A full-time employee who takes approved leave on the scheduled work - day before and/or after a city paid holiday shall receive holiday pay. A full-time employee on approved military, maternity, workers compensation and family medical (FMLA) leave shall receive holiday pay.

- (a) A full-time employee absent without approved leave either the scheduled work - day before and/or after a city paid holiday, shall not receive holiday pay.
- (b) A full-time employee on approved leave without pay, other than military and maternity leave, in excess of two (2) workweeks shall not be eligible for holiday pay.

## **6.3 Inclement Weather Conditions**

City offices and departments shall remain open unless workday schedule changes are issued from the City Manager's office. All departments and offices will be given sufficient advance notice of any workday schedule changes. Workday schedule changes will be communicated via local television and radio announcements and the City intranet.

Employees are encouraged to exercise good judgment by considering their personal safety and family obligations before attempting to report to work. Employees who arrive later or leave earlier than the inclement weather workday schedule will be required to use earned vacation or leave without pay.

In the event city offices and departments close for the workday, the City Manager shall issue pay policy directives.

City departments may establish a departmental inclement weather policy subject to the approval of the Director of Human Resources and the City Manager.

#### **6.4 Vacation Leave**

A full-time employee shall accrue vacation leave.

- (a) Vacation leave shall accrue each pay period based on the following years of full-time service: less than two (2) years: ten days per year; two to five years: twelve days per year; five to ten years: fifteen days per year; ten to fifteen years: eighteen days per year; fifteen to twenty years: twenty days per year; twenty years and above: twenty-four days per year. The City Manager may credit additional hours to an employee's vacation leave balance and/or authorize a higher accrual rate from the established accrual rate schedule.
- (b) An employee may accumulate vacation leave without any maximum limit until the payroll period each January that results in the second paycheck received during the calendar year. At the end of that payroll period, any employee with more than 300 hours of accumulated vacation leave shall have the excess converted into sick leave and added to the employee's sick leave balance so that only 300 hours of vacation leave are carried forward to the next payroll period.
- (c) All vacation leave shall require prior approval.
- (d) An employee separating from city employment shall be paid for accrued vacation leave not to exceed 300 hours. Any advanced vacation leave owed the City shall be deducted from the employee's final paycheck.
- (e) An employee changing from full-time to part-time status shall be paid for accrued vacation leave not to exceed 300 hours on the pay date of the pay period of the status change.
- (f) The estate of a full-time employee shall receive payment for accrued vacation leave not to exceed a maximum of 300 hours.
- (g) More than two (2) consecutive weeks of requested vacation leave requires approval by the City Manager.
- (h) Department Directors may advance up to five (5) days of vacation leave for full-time employees. A full-time employee receiving Workers' Compensation disability payments from a secondary employer shall not be granted advanced vacation leave.

#### **6.5 Sick Leave**

The twelve (12) calendar month period between January 1 and December 31 is established as the leave year.

- (a) Employees may be granted sick leave for absence due to the following:
  - (1) Sickness or bodily injury that prevents the employee from performing regular duties and exposure to a contagious disease when continuing work might jeopardize the health of others.

- (2) Medical or dental appointments.
  - (3) The actual period of temporary disability caused by or contributed to by pregnancy, miscarriage, childbirth, and recovery. A physician's certificate is required to verify the employee's period of temporary disability.
  - (4) Death in the employee's immediate family defined as spouse, child, mother, father, sister, brother, legally appointed guardian, grandparent, grandchild, plus the various combinations of half, step, in-law and adopted relationships that can be derived from those named not to exceed three (3) days per occurrence. The Department Director with the approval of the Director of Human Resources may grant leave time in excess of three days.
  - (5) Care of spouse, dependent child, or parent, not to exceed eighty (80) hours in a leave year.
- (b) Full-time employees of the City accrue sick leave at the rate of one (1) day for each full calendar month of service. Part-time employees enrolled in the North Carolina Local Governmental Employees' Retirement System shall earn sick leave at a rate of one half ( $\frac{1}{2}$ ) day for each full calendar month of service. The City Manager may credit additional hours to an employee's sick leave balance.
  - (c) Sick leave may be granted full-time and eligible part-time employees for two (2) consecutive days without a physician's certificate or certification from the City Nurse. The Department Director may request a physician's certificate or certification from the City Nurse after one (1) day of sick leave. Sick leave for personal illness or the care of a spouse child or parent in excess of two (2) consecutive days may be granted full-time and eligible part-time employees when a physician's certificate is provided documenting the employee's illness or need to care for a spouse, child or parent.
  - (d) A physician's certificate or certification from the City Nurse during a family and medical leave (FMLA) absence shall not be required. The Certification of Health Care Provider (Form WH-380) shall document the period of time that a family and medical leave absence and/or intermittent absences are authorized and sick leave granted to eligible city employees.
  - (e) Full-time and eligible part-time employees shall not be paid for unused sick leave upon separation of employment.
  - (f) A full-time employee absent both the day before and the day after a paid holiday and fails to provide a physician's certificate shall not be granted sick leave. The employee may use accrued vacation or leave without pay for the absences on the day before and the day after the holiday with the approval of the Department Director. Leave taken on the scheduled workday before and/or after a holiday must be approved leave to receive holiday pay.
  - (g) Full-time and eligible part-time employees absent from work due to the illness of a spouse, parent or dependent child may be granted sick leave for two (2) consecutive days without a physician's certificate. The Department Director may request a physician's certificate after one (1) day of sick leave. Sick leave in excess of two (2) consecutive days may be granted full-time and eligible part-time employees with a physician's certificate indicating the period of time the

spouse, parent or dependent child was under the care of a physician. A full-time or eligible part-time employee that fails to provide a physician's certificate shall not be granted sick leave. The employee may use accrued vacation or leave without pay for the absences with the approval of the Department Director.

- (h) Full-time and eligible part-time employees must notify their department before the beginning of a scheduled work day of a sick leave absence but no later than two (2) hours after the beginning of a scheduled work day. Departments may require notification earlier than two (2) hours after the beginning of a scheduled work - day subject to the approval of the Director of Human Resources.
- (i) A full-time or eligible part-time employee receiving Workers' Compensation disability payments from a secondary employer shall not be granted sick leave.
- (j) A full-time or eligible part-time employee with five (5) or more years' service may, upon written request, be advanced sick leave for a period of time not to exceed sixty (60) working days upon approval of the City Manager. All accrued leave including shared sick leave must be exhausted prior to requesting advanced sick leave. All advanced sick leave requests shall be accompanied by a physician's certificate indicating that it may be reasonably assumed that the employee shall be able to return to work at a reasonable future date. After the full-time employee returns to work, advanced sick leave previously used shall be repaid at the rate of one half ( $\frac{1}{2}$ ) day per month until such time the advanced leave is repaid in full. After the part-time employee returns to work, advanced sick leave previously used shall be repaid at the rate of one quarter ( $\frac{1}{4}$ ) day per month until such time the advanced leave is repaid in full.
- (k) A full-time or eligible part-time employee that separates from employment shall repay the City for the balance of any advanced sick leave at a rate of repayment mutually agreed to by the City Manager and the employee. In the event of death, repayment of advanced sick leave to the City will not be required.
- (l) Sick leave earned monthly counts as creditable service at the time of retirement for employees that are members of the North Carolina Local Governmental Employees' Retirement System. One month of credit is allowed for each twenty (20) days of unused sick leave when an employee retires, and one more month is credited for any part of twenty (20) days of unused sick leave left over.
- (m) A full-time or eligible part-time employee shall transfer unused sick leave earned from another North Carolina governmental agency and/or entity. The total number of days accepted as transferred will be added to the record after completion of the one-year probationary period. Verification of accumulated sick leave must be received in writing from the previous employer. The transfer must be completed within three (3) years from the employee's last work - day with the previous employer.
- (n) Employees that separate from City service and are re-employed within three (3) years from the date of separation shall have previously earned unused sick leave added to the employee's sick leave balance upon employment.



## **6.6 Shared Sick Leave Program**

The City of High Point has established a Shared Sick Leave pool for eligible employees absent from work due to a serious health condition or to care for a spouse, son, daughter, or parent with a serious health condition as defined under the Family and Medical Leave Act. **(Reference resolution appendix.)**

## **6.7 Occupational Illness / Injury Covered by Workers' Compensation**

An employee absent from duty due to injury or illness by accident arising out of and in the scope of employment with the City shall receive the benefits as follows:

- (a) All rights, benefits and remedies prescribed by the North Carolina Workers' Compensation Act and may be eligible for rights, benefits and remedies of the Family Medical Leave Act (FMLA) and the Americans with Disabilities Act (ADA).
- (b) For any employee out of work less than twenty-one (21) days, the first seven (7) days after the date of the injury/illness will be paid at the rate equivalent to that payable if the employee was present at work.
- (c) If injury or illness disability shall continue beyond seven (7) days, the disabled employee may choose to supplement North Carolina Workers' Compensation benefits by charging one third (1/3) day of sick leave, per day, resulting in a rate equivalent to that payable if the employee was present at work until sick leave is exhausted.
- (d) An employee receiving Workers' Compensation benefits shall continue to accrue vacation and sick leave. Vacation leave may not be used to supplement workers compensation benefits.
- (e) Employees receiving Workers' Compensation benefits shall cease contributions to the North Carolina Local Governmental Employees' Retirement System. Upon returning to work employees may purchase credit for the period of time they received Workers' Compensation benefits.
- (f) Workers' Compensation benefits paid during a period of time that includes a holiday(s) observed by the City shall be considered full pay for the holiday.

## **6.8 Military Leave**

An employee who is a member of the National Guard or Armed Forces Reserve will be allowed military training leave. The employee shall be eligible to take accumulated vacation leave or be placed on leave without pay status. Payment for the employee's portion of individual medical and dental/vision coverage and the full cost of dependent coverage shall be the responsibility of the employee while on leave without pay status.

Employees who are guardsmen and reservists shall receive the job rights specified in the Uniformed Services Employment and Reemployment Rights Act.

## **6.9 Civil Leave**

Full-time and part-time employees summoned to jury duty or subpoenaed by a state or federal court to appear as a witness that submit documentation of jury duty or a court appearance shall be entitled to leave with pay in addition to jury pay.

Full-time and part-time employees who initiate court action, volunteer to appear as a witness, or are a defendant in a non-City-related case will be excused from work for required court appearances. The employee shall not be entitled to civil leave, however, leave without pay or vacation leave may be granted.

## **6.10 Educational and Community Service Leave**

A leave of absence at full pay, partial pay, or without pay for a period not to exceed nine (9) months may be granted upon the recommendation of the Department Director with the approval of the City Manager, to take courses of study that will better equip the employee to perform duties for the City, or for special work which will permit the City to profit by the experience gained or the work performed. An employee on educational or community service leave with full pay shall continue to earn leave credits and any other benefits to which City employees are entitled. An employee on educational or community service leave with partial pay shall earn proportional leave credits.

## **6.11 Maternity Leave**

Full-time and part-time employees may be granted a leave of absence without pay for a period not to exceed six (6) months for reasons of maternity, and upon returning to duty after being on maternity leave, the employee shall be guaranteed a position of the same classification, seniority, and pay. Failure to report for duty at the expiration of the maternity leave, unless an extension has been granted, shall be considered a resignation.

Leave without pay may be granted during the time before and after childbirth or adoption when no actual disability is present. When an actual disability caused or contributed to by pregnancy, miscarriage, childbirth, and recovery exists, employees will use accumulated sick leave.

The City will designate maternity leave as concurrent family and medical leave.

## **6.12 Family and Medical Leave**

The City abides by all applicable sections of the Family and Medical Leave Act. The City will properly record family and medical leave hours for each eligible employee. This policy is applicable only to employees of the City of High Point that meet the eligibility rules under the Family and Medical Leave Act. **(Reference resolution appendix.)**

## **6.13 Benefits Status While on Leave Without Pay**

An employee out on educational and community service leave, military leave, or maternity leave shall have the option to retain all unused vacation and sick leave while

on leave without pay status. An employee out on family and medical leave (FMLA) shall have the option to retain all unused vacation leave while on leave without pay status.

- (a) Vacation and sick leave credits will not be accrued during leave without pay status with the exception of military leave. Payment for the employee's portion of individual medical and dental/vision coverage and the full cost of dependent coverage shall be the responsibility of the employee while on leave without pay status. Access to child - care and medical care flexible spending accounts will continue while on leave without pay status. Optional payroll deductions shall cease during leave without pay status. The employee, however, may continue to be eligible for these benefit(s) subject to policies adopted by City Council.
- (b) Payment for the full cost of dependent coverage shall be the responsibility of the employee while on approved family and medical leave (FMLA). If the employee fails to return to work after approved family and medical leave expires, the City shall recover the premiums paid by the City for the employee's portion of individual medical and dental/vision coverage during the leave period. Exceptions exist when the employee does not return to work due to the continuation, recurrence, or onset of a serious health condition of a dependent child, spouse, parent, or the employee that would otherwise entitle the employee to take family and medical leave or due to other circumstances beyond the control of the employee.

#### **6.14 Leave for Parent Involvement in Schools**

The City shall grant four (4) hours leave at full pay each leave year to any full-time employee who is a parent, guardian, or person standing in loco parentis of a school-aged child so that the employee may attend or otherwise be involved at that child's school. The twelve (12) calendar month period between January 1 and December 31 is established as the leave year.

Employees shall give at least forty-eight (48) hours notice of planned leave to the department head and furnish written verification from the child's school that the employee attended or was otherwise involved at that school during the time of the leave. An employee who fails to provide verification shall use leave without pay.

For the purpose of this section, 'school' means any public school; private church school, church of religious charter, or nonpublic school described in Parts 1 and 2 of Article 39 of Chapter 115C of the General Statutes that regularly provides a course of grade school instruction; preschool; and child day care facility as defined in G.S. 110-86(3).

### **7.0 EMPLOYEE BENEFITS**

#### **7.1 Insurance Benefits**

The City provides optional group health insurance, dental reimbursement, and group life insurance to full-time and eligible part-time employees and eligible dependents. Changes to city benefits, benefit plans and/or third party administrators may be proposed by the Director of Human Resources and subject to approval by the City

Manager and City Council. Employees may amend benefit elections during the annual enrollment period or after an IRS Section 125 qualifying event.

- (a) Retired City employees may be eligible to continue group health insurance and dental reimbursement benefits under the following conditions:
  - (1) Disability retirees must not be eligible for Medicare.
  - (2) Service retirees must have thirty (30) years of creditable service regardless of age, or any combination of age and creditable service which totals seventy-five or greater, and must not be eligible for Medicare.
  - (3) Eligible retired employees shall pay the current City of High Point's employee monthly contribution plus the current active employee group health insurance and dental reimbursement coverage premium.

## **7.2 Wellness Program**

The City of High Point has a legitimate interest in promoting wellness and shall offer behavioral and lifestyle intervention programs sponsored by the City's occupational health clinic and the City's health insurance provider. Absenteeism resulting in lost productivity and increasing health care costs are related to medical conditions that can be controlled or eliminated by making lifestyle changes. Wellness efforts shall focus on better nutrition, increased physical activity, weight - loss and prescription drug compliance. Participation shall be voluntary. **(Reference resolution appendix.)**

## **7.3 Unemployment Compensation**

Employees separated from City employment may apply for unemployment compensation through the local office of the Employment Security Commission. The Employment Security Commission will determine eligibility for unemployment compensation.

## **7.4 Social Security and Medicare Benefits**

The City pays an employer Social Security tax for eligible employees in accordance with the provisions of the Social Security Act. The City pays an employer Medicare tax for eligible employees in accordance with the provisions of the Medicare Act.

## **7.5 Local Governmental Employee's Retirement Benefits**

Employees in a budgeted position, working a minimum of one thousand (1,000) hours per year, will be enrolled as a member of the North Carolina Local Governmental Employees' Retirement System. Employees will contribute six percent (6%) of their gross salary each pay period through payroll deduction. The City contributes an actuarially determined percentage of the gross payroll each month.

## **7.6 Death Benefit**

If an employee dies while still in active service and has been a contributing member of the North Carolina Local Governmental Employee's System for at least one year the employee's beneficiary will receive a lump sum payment equal to the employee's highest twelve (12) months' consecutive salary during the preceding twenty-four (24) months, not to exceed \$50,000 or less than \$25,000. This benefit is also paid if the employee dies within 180 days of the last day a salary was paid.

## **7.7 Law Enforcement Officers' Separation Allowance**

The City provides a special separation allowance to law enforcement officers that meet all of the following eligibility rules:

- (a) The officer must have completed thirty years or more of creditable service, or have attained fifty-five years of age and completed five or more years of creditable service with the North Carolina Local Governmental Employee's System.
- (b) The officer must not yet be age sixty-two.
- (c) The officer must have completed at least five years of continuous service as a law enforcement officer immediately prior to service retirement with the North Carolina Local Governmental Employee's System.

Payment of the separation allowance will cease when the officer reaches age sixty-two, dies or becomes a member of the Legislative, Judicial, Teachers and State Employees or Local Governmental Employees Retirement Systems.

## **7.8 Supplemental Retirement Income for Law Enforcement Officers**

The City contributes an amount equal to 5% of your salary into the Supplemental Retirement Income Plan (NC 401/k Plan) on the first pay period following sworn law enforcement status.

## **7.9 Employee Assistance Program (EAP)**

The City recognizes that a wide range of problems such as marital or family distress, alcoholism, and drug abuse not directly associated with an employee's employment may be detrimental to an employee's performance on the job. The City provides an employee assistance program to employees and their families to assist in resolving problems such as these as the need arises. Employee assistance program participation does not excuse employees from complying with City policies, meeting job requirements or prevent the City from taking disciplinary action against an employee for performance problems during or after receiving assistance. **(Reference resolution appendix.)**

### **7.10 Career Development Reimbursement Program**

The City offers a career development reimbursement program intended to support full-time and eligible part-time employee educational activities deemed beneficial to both the City and the employee. **(Reference resolution appendix)**

### **7.11 Optional Voluntary Benefits**

Employees may choose to participate through payroll deduction with the following optional / voluntary benefits:

- (a) Life, Cancer, Accident, Sickness, Homeowners and Automobile Insurance
- (b) United States Savings Bonds
- (c) Local Government Federal Credit union
- (d) Section 457 and 401(k) Deferred compensation plans
- (e) Section 125 Flexible Spending Accounts

Employees may amend optional / voluntary benefits elections at anytime. Amendments of pre-taxed deductions are subject to IRS Section 125 rules.

Changes to optional/voluntary third party administrators, benefits and/or benefit plans may be proposed by the Director of Human Resources and subject to approval by the City Manager.

### **7.12 Parking**

The City provides free parking to employees that report to work and/or attend meetings at the City Municipal Building. Many City departments provide free parking and may establish departmental/work site parking guidelines. Employees are required to abide by the City Municipal Building and departmental/work site parking guidelines. **(Reference resolution appendix.)**

### **7.13 Car Allowance**

The City Manager may authorize an employee car allowance to promote the City's legitimate business purposes, such as efficiency and quality service to customers and clients. Employees receiving a car allowance are required to obtain automobile insurance coverage at their expense, due to their use of personal cars while on City business. A copy of the insurance coverage and declarations shall be provided to and approved by the City Manager prior to receiving a car allowance payment.

Travel outside of Guilford, Davidson, Forsyth and Randolph Counties and within the North Carolina may be submitted as personal vehicle mileage for reimbursement. Personal vehicle mileage reimbursement for business travel outside of North Carolina may not exceed the cost of the lowest available commercial coach rate airfare to the travel destination.

### **7.14 Personal Vehicle Mileage Reimbursement**

The City will reimburse an employee for approved business mileage. Employees shall submit expense reports for mileage incurred. The City Manager shall establish the allowed reimbursement rate per mile. Personal vehicle mileage reimbursement for business travel outside of North Carolina may not exceed the cost of the lowest available commercial coach rate airfare to the travel destination.

## **8.0 SEPARATION, DISCIPLINARY ACTION, AND RIGHT OF APPEAL**

### **8.1 Reduction in Force**

In the event that a reduction in force becomes necessary, consideration shall be given to the quality of each employee's performance as documented by current performance appraisals, organizational needs, and seniority in determining those employees to be retained. Employees who are laid off because of a reduction in force shall be given at least four (4) weeks' notice. No full-time employee shall be separated while there are part-time or temporary employees serving in the same class title in the same department, unless the full-time employee is not willing to transfer to the position held by the part-time or temporary employee.

Any full-time employee terminated from City employment due to a reduction in force shall be entitled to a six (6) week severance pay benefit. Reduction in force shall be defined as any full-time position deleted from the City budget due to a reduction of the City services, elimination of City services or insufficient funds. An employee reinstated to full-time City employment within three (3) years of their termination date shall receive credit for previous City service.

### **8.2 Suspensions, Demotions, Dismissals**

An exempt salaried employee or a non-exempt hourly employee may be suspended with or without pay, demoted or dismissed due to failure in performance of duties or failure in personal conduct. These actions shall be taken by the appointing Department Director, but only after approval of the Director of Human Resources. In order to avoid undue disruption of work, conduct a thorough investigation or to protect the safety of persons or property, the Department Director may immediately suspend a non-exempt hourly employee with or without pay for a period of time not to exceed five (5) working days while final action is pending. The Department Director may immediately suspend an exempt salaried employee with or without pay for a period of time not to exceed ten (10) working days while final action is pending.

#### **Failure in Performance of Duties**

An employee who has completed the probationary period whose work is unsatisfactory over a period of time shall be notified by the supervisor in what way work is deficient, and what the employee must do to perform satisfactory work. Full-time and part-time employees eligible for retirement and/or health insurance benefits who are suspended, demoted or dismissed for unsatisfactory performance of duties may receive up to three (3) warnings before disciplinary action is taken by

the Department Director. First, one or more oral warnings from the employee's immediate supervisor; second, an oral warning with a follow-up letter to the employee from the supervisor which sets forth the points covered in their discussion; and third, a written warning from the Department Director serving notice upon the employee that corrected performance must take place immediately in order to avoid disciplinary action up to and including dismissal. The supervisor should record the dates of discussions with the employee, the performance deficiencies discussed and the corrective actions recommended.

The following causes relating to failure in the performance of duties are representative, but not limited to, those considered to be adequate grounds for suspension, demotion or dismissal:

- (a) Inefficiency, negligence, or incompetence in the performance of duties;
- (b) Careless, negligent or improper use of City property or equipment;
- (c) Physical or mental incapacity to perform essential duties determined by a qualified professional;
- (d) Discourteous treatment of the public or other employees;
- (e) Absence without approved leave;
- (f) Improper use of leave privileges;
- (g) Habitual pattern of failure to report for duty at the assigned time and place;
- (h) Act of disloyalty that affects the department or the City; and
- (i) Improper political activity.

#### Failure in Personal Conduct

The following causes relating to failure in personal conduct are representative of, but not limited to, those considered adequate grounds for immediate dismissal:

- (a) Fraud in securing appointment;
- (b) Insubordination;
- (c) Conviction of a crime involving moral turpitude;
- (d) Willful failure to obey reasonable order by supervisor;
- (e) Misuse of City funds;
- (f) Falsification of City records;
- (g) Acts during or outside of duty hours that are incompatible with the public service;
- (h) The use of alcohol or mind-altering drugs while on duty, or the presence of alcohol or mind-altering drugs in the body system, subject to conditions outlined in the City substance abuse policy;
- (i) Workers compensation fraud;



- (j) Workplace harassment;
- (k) Workplace violence;
- (l) Weapons possession while on City of High Point property except sworn law enforcement officers;
- (m) Improper political activity;
- (n) Refusal to participate in mandatory direct deposit program;
- (o) Failure to obey outside employment policies;
- (p) Failure to obey smoking policy;
- (q) Failure to adhere to parking policies;
- (r) Failure to adhere to residence requirement.

Departmental Pre-Determination Hearing: A departmental pre-determination hearing shall be afforded full – time and part – time employees receiving retirement and/or health insurance benefits who have completed the probationary period and committed rule infractions that may result in suspension for more than ten (10) working days, demotion, or dismissal from the City service. The employee shall be given full opportunity to respond to the alleged rule infractions, and the department in determining whether or not there are reasonable grounds to support the action of suspension, demotion or dismissal shall consider the information received from the employee.

Notification: When a Department Director is considering that an employee should be suspended for more than ten (10) working days, demoted, or dismissed, the employee shall immediately be provided with written notice of the possible action, the effective date, the reasons for the action, and the recourse available to the employee. The employee shall be given a minimum of twenty-four (24) hours notice of the date, time, and location of the pre-determination hearing in writing.

Procedure for Hearing: The pre-determination hearing shall be attended by and limited to (1) the employee, (2) the supervisor(s) of the employee, (3) the Department Director, and (4) a representative from the Human Resources Department. The Human Resources representative shall be the Director of Human Resources or a designee.

The hearing shall be administrative in nature and full opportunity will be afforded the employee to respond to the issues. The Department Director will consider information from witnesses and documents previously identified by the employee and information from witnesses and documents previously identified by the department during the course of the investigation. The employee shall not be represented in the hearing by legal counsel or other personal representatives. Persons with disabilities and persons who are unable to read may utilize the services of an interpreter or reader. The hearing will be recorded. At the conclusion of the hearing, the employee will be advised as to when a decision will be made regarding the action, if any, to be taken in the matter. In the event the employee is duly notified and fails to appear for the pre-determination hearing, all rights to such a hearing shall be forfeited.

The Department Director shall submit a written report of findings, conclusions, and recommendations to the Director of Human Resources. Within ten (10) working days

from the date of the pre-determination hearing, the Department Director, after review and approval from the Director of Human Resources or a designee, shall notify the employee in writing of the action to be taken and the reasons for such action.

Dismissal: An employee who is dismissed for disciplinary reasons shall be relieved immediately of all duties and responsibilities and discharged from the employment of the City.

Demotion: An employee whose performance is unsatisfactory may be demoted for disciplinary reasons. The appointing Department Director may reassign the employee to another position in a lower salary range with the approval of the Director of Human Resources. An employee who is demoted shall be relieved of present duties and responsibilities immediately.

Disciplinary Suspension: An exempt salaried or non-exempt hourly employee who is suspended with or without pay for disciplinary reasons shall be relieved temporarily of all duties and responsibilities for the period of suspension.

### **8.3 Suspensions Without Pay For Exempt Employees**

All exempt salaried employees may be suspended for one or more whole days without pay for violations of the following workplace conduct rules, committed on or off-site. The list is not exhaustive and workplace misconduct that is serious, disruptive, and harmful and, in the view of management, is of a similar level as the examples provided below, will result in disciplinary suspensions without pay for one or more whole days.

Unlawful harassment, including sexual, racial, disability, religious, national origin, or other protected characteristic or harassment for exercising a protected right. Threatening, enticing, encouraging, or committing workplace violence, including physical assault, physical altercation, and physical intimidation, including making another fear physical harm to self or property.

Theft, sabotage, or vandalism of property, including intellectual property, belonging to the employer or another employee(s).

Violation of the City of High Point Substance Abuse policy, state or federal laws, other than minor traffic violations, serious OSHA requirements including failing to take established personal precautions and failing to use personal protective equipment when required.

### **8.4 Right of Appeal**

- (a) Eligibility to Appeal: Full – time and part – time employees receiving retirement and/or health insurance benefits who have completed the probationary period and who are suspended for more than ten (10) working days, demoted or dismissed shall have the right to appeal to the City Manager or designee.
- (b) Procedure for Filing Appeal: An employee desiring to file notice of appeal to the City Manager shall be required to file notice in writing to the Director of Human Resources within ten (10) working days after the action has been taken by the appointing Department Director. The appeal shall be granted within fifteen (15) working days after receipt of the notice of appeal. The hearing is administrative

in nature and legal counsel or other personal representative (except an interpreter or reader) will not be permitted to attend for the City or the employee.

- (c) Notification of Findings: Within fifteen (15) working days of the hearing, the City Manager or designee shall notify the employee in writing of the findings and conclusions of the appeal hearing, and the decision rendered by the City Manager or designee shall be final.

## **8.5 Part-Time No Benefits Employees**

The appointing Department Director, with the approval of the Director of Human Resources, may dismiss a part-time no benefits employee in the Director's department for any reason.

## **8.6 Exit Procedure**

The Human Resources Department shall be responsible for ensuring that all compensation due a terminating employee is paid that employee, less any legally collectible debts owed to the City. In addition, prior to receiving their final pay all terminating employees may request an exit interview by the Human Resources Department to determine that all matters pertaining to the employees have been settled. Departments shall be responsible for ensuring that all uniforms, keys, tools, equipment, identification badges and other issued items are returned to the City.

## **9.0 GRIEVANCE PROCEDURE**

### **9.1 Grievance**

The City is committed to providing employees an effective and responsive grievance process. Prior to filing a formal grievance, employees are encouraged to discuss their concerns with their supervisor. When employees disagree with decisions involving work policies and expectations, they may file grievances under certain circumstances. Those circumstances include decisions on performance increases, transfers, promotions, working conditions (where health and safety are at issue), and equal pay.

### **9.2 Procedure**

- (a) Employees must file a written grievance with their supervisor/manager within ten (10) working days from the date an issue occurs which is the basis for the grievance. A copy will be sent to the Employee Relations Manager in the Human Resources Department. The grievance should contain the following: the decision, action, or policy the employee does not agree with, on what basis the action is wrong or unfair, and the proposed resolution the employee is seeking.
- (b) Supervisors/managers must submit a written response to the employee within ten (10) working days. A copy must be sent to the Employee Relations Manager. If the employee is not satisfied with the response, they may appeal

up to the Department Director. The appeal must be filed within ten (10) working days from the date of receipt of the response from their supervisor/manager.

- (c) The Department Director shall submit a written report of findings, conclusions, and recommendations to the employee within ten (10) working days.
- (d) If the employee is not satisfied with the response, they may appeal up to the City Manager. The appeal must be filed within ten (10) working days from the date of receipt of the response from their Department Director.
- (e) The City Manager shall submit a written report of findings, conclusions, and recommendations to the employee within ten (10) working days from receipt of the appeal.
- (f) The City Manager's decision is final.

### **9.3 Discrimination Grievance**

The grievance process is also available to employees who believe they have been discriminated against or harassed on the basis of age, race, color, sex, national origin, religion, or disability. In cases involving discrimination or harassment that may involve the immediate supervisor/manager, the employee may file the grievance with the next level of departmental management or contact the Human Resources Department directly. Grievances involving allegations of discrimination or harassment may proceed beyond the Department Director to the Human Resources Department for investigation according to the following procedures:

- (a) Employees must file a written grievance with the Human Resources Department within ten (10) working days from the date of the alleged instance of discrimination or from the date of the Department Director's decision. The written grievance should contain the following: the decision, action, or policy that allegedly discriminates against the employee or constitutes harassment; the basis of the discrimination or harassment, i.e., age, race, color, sex, national origin, religion, or disability; a list of witnesses or relevant documents supporting the allegation, and the proposed resolution the employee is seeking.
- (b) The Director of Human Resources or designee will investigate on behalf of the Human Resources Department and will make a written report to the appropriate Department Director. The written report will include recommendations to resolve the grievance. A letter outlining the grievance finding(s) and recommendation(s) will be provided to the employee.
- (c) If the employee or Department Director is not satisfied with the recommendation of the Human Resources Department, either party may appeal to a Hearing Officer appointed by the City Manager. The appeal must be filed within 10 working days from the date of receipt of the report from Human Resources. The Hearing Officer will convene a hearing normally within 30 days to hear all sides. The scope of the hearing shall be limited only to those issues raised in the written grievance. The Hearing Officer will consider information from witnesses and documents previously identified by the employee in the written grievance, the Human Resources written report, and witnesses and documents previously identified by the department during the course of the Human Resources

investigation. No one will be represented in the hearing by legal counsel or other personal representatives. Persons with disabilities and persons who are unable to read may utilize the services of an interpreter or reader. The hearing will be recorded. The Hearing Officer shall submit a written report of findings, conclusions, and recommendations to the City Manager, Department Director and the Director of Human Resources. The City Manager's decision is final.

## **10.0 PERSONNEL RECORDS**

### **10.1 Recordkeeping**

Records for the proper administration of the human resource system will be maintained by the Department of Human Resources. The City shall maintain records and information that are necessary and relevant to accomplishing legitimate human resource administrative activities. All medical information shall be kept confidential and separate from employee human resource files. The use and disclosure of protected health information shall be in compliance with the Health Insurance Portability and Accountability Act (HIPAA). **(Reference resolution appendix.)**

### **10.2 Public Information**

The following information on each City employee is public information:

- (a) Name.
- (b) Age.
- (c) Date of original employment or appointment to the service.
- (d) The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the city has the written contract or a record of the oral contract in its possession.
- (e) Current position.
- (f) Title.
- (g) Current salary.
- (h) Date and amount of each increase or decrease in salary with that municipality.
- (i) Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with that municipality.
- (j) Date and general description of the reasons for each promotion with that municipality.
- (k) Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the municipality. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the municipality setting forth the specific acts or omissions that are the basis of the dismissal.
- (l) The office to which the employee is currently assigned.

### **10.3 Access to Personnel Records**

As required by G.S. 160A-168 and as it may be amended, any person may have access to the information listed in Section 10.2 of this policy for the purpose of inspection, examination, and copying during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the City may adopt.

### **10.4 Confidentiality**

All information contained in a City employee's personnel file, other than the information listed in Section 10.2 of this policy will be maintained as confidential in accordance with the requirements of G.S. 160A-168 and as it may be amended, and shall be open to inspection only in the following instances:

- (a) The employee or his or her duly authorized agent may examine all portions of the employee's personnel file, except (1) letters of reference solicited prior to employment and (2) information concerning a medical disability, mental or physical, that a prudent physician would not divulge to his patient.
- (b) A licensed physician designated in writing by the employee may examine the employee's medical record.
- (c) A City employee having supervisory authority over the employee may examine all material in the employee's personnel file.
- (d) By order of a court of competent jurisdiction, any person may examine such portion of an employee's personnel file as may be ordered by the court.
- (e) An official of any agency of the state or federal government, or any political subdivision of the state, may inspect any portion of a personnel file when such inspection is deemed by the official having custody of such records to be inspected to be necessary and essential to the pursuance of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee or for the purpose of assisting in an investigation of the employee's tax liability.

### **10.5 Remedies of Employees Objecting to Material in File**

An employee objecting to material in his or her file may place in the file a statement relating to the material the employee considers inaccurate or misleading. The employee may seek the removal of such material in accordance with the City's grievance procedure.

### **10.6 Penalty for Permitting Access to Confidential File**

State law provides that any public official or employee who knowingly and willfully permits any person to have access to any confidential information contained in an employee personnel file, except as expressly authorized by the designated custodian, may be judged guilty of a misdemeanor and upon conviction be fined in an amount not to exceed five hundred dollars.

## **10.7 Destruction of Records**

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with G.S. 121-5(b), without the consent of the State Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or whoever alters, defaces, mutilates, or destroys it, will be guilty of a misdemeanor as provided in G.S. 132-3.

## **10.8 Disposal of Consumer Report Information and Records**

The City shall comply with the Federal Trade Commission (FTC) disposal rules for consumer report information and records. **(Reference resolution appendix.)**

## **10.9 Identity Theft Protection**

North Carolina law regulates the use and disposal of documents containing social security numbers and other personal identifying information. The City shall implement policies and procedures for the collection, release and secure disposal of a person's social security number or other identifying information in compliance with the provisions of the Identity Theft Protection Act. **(Reference resolution appendix.)**

## **11.0 CODE OF ETHICS**

### **11.1 Standards of Conduct for Public Officials and Employees**

It is the obligation of every public official and employee to support the Constitution of the United States and the Constitution of the State of North Carolina.

- (a) The laws of the Nation, State and Municipality shall be impartially administered. No public official or employee shall grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen except by due process of law.
- (b) Every citizen shall receive a fair and impartial hearing on any matter coming before the City Council, its appointed agencies or any employee of the City. No public official or employee shall make any promise or pledge to any person concerning any matter to be heard before a public official or employee except upon fair, impartial and final hearing thereof.
- (c) The conduct of public business shall be free of any hidden personal or financial interest of any public official or employee. No public officials or employees shall advocate in any public meeting or private discussion any matter in which they have a personal or financial interest except upon full and timely disclosure of the interest.
- (d) The conduct of public business shall be free of any influence arising from gifts, favors or special privileges. It is the obligation of every public official and employee to refuse personal gifts, favors or special privileges in every instance

where such public official or employee reasonably believes such gift, favor or special privilege would not have been extended but for the position of such public official or employee, or where there exists a reasonable belief that the giver's interests are likely to be affected by the actions of the public official or employee, or where the gift is or may reasonably be considered to be designed to influence the actions of the public official or employee. No public officials or employees shall seek personal or financial advantage by means of their public office, appointment or employment.

- (e) The use of public trust for private gain is inimical to good government. No public official or employee shall violate the provisions of North Carolina General Statutes Section 14-234. No public official or employee shall use confidential or advance information obtained by virtue of public office, appointment or employment for personal or financial advantage.
- (f) It is the obligation of every public official and employee to carry out the lawful decisions and policies established by the City Council. No public official or employee shall knowingly take any action inconsistent with the lawful decisions or policies established by the City Council. No public official or employee shall knowingly take any action that would be detrimental to the best interests of the City.



CITY OF HIGH POINT  
PERSONNEL RESOLUTION APPENDIX

Appendix A	Career Development Reimbursement Policy
Appendix B	Communicable Disease Policy
Appendix C	Compensatory Time Policy for Exempt Employees
Appendix D	Disposal of Consumer Information and Records Policy
Appendix E	Employee Assistance Program
Appendix F	Employee Identification Badges
Appendix G	Exempt Employee Pay Policy
Appendix H	Family and Medical Leave Act Policy
Appendix I	Health Insurance Portability and Accountability Act Notice of Privacy Practices
Appendix J	Identity Theft Protection Policy
Appendix K	Information Technology Services Policy
Appendix L	Mandatory Direct Deposit
Appendix M	Outside Employment Form
Appendix N	Parking Guidelines
Appendix O	Performance Management Policy
Appendix P	Safety Policy
Appendix Q	Shared Sick Leave Program
Appendix R	Smoking Policy
Appendix S	Substance Abuse Policy
Appendix T	Wellness Program Policy
Appendix U	Workplace Harassment Policy
Appendix V	Workplace Violence Prevention Policy